

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Application of:**

Mace et al.

Serial No.: 09/841,451**Filed:** April 24, 2001**For:** MULTIPLE FUNCTION AIRWAY
ADAPTER**Confirmation No.:** 5355**Examiner:** R. Nasser**Group Art Unit:** 3735**Attorney Docket No.:** 2181-4502US
(96-22 C2)**Notice of Allowance Mailed:**

February 23, 2007

Express Mail Mailing Label No.: EL 962533755 US**Date of Deposit with USPS:** May 22, 2007**Person making Deposit:** Cat Bratton**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed February 23, 2007, and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

Claims 1, 2, 4-6, 8, 10-21 define over the art of record in that none of the art shows the second detection component on a portion of the window, as claimed.

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Claims 75, 76, 80-85, 88, 101-102, and 122-125 define over the art of record in that none of the art has a transducer oriented such that luminescence quenching measurements are made through the first window and infrared measurements are made through the second windows. Claims 104-121 define over the art of record in that none of the art teaches the recited arrangement of pressure ports.

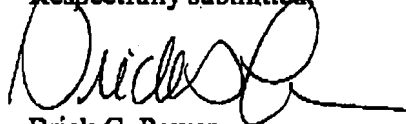
Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The Independent claims as allowed recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

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Respectfully submitted,



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